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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,002	11/13/2003	Barbarann Johnson	BBR-004	1001
26918	7590	08/10/2005	EXAMINER	
WHITE & FUDALA 57 BEDFORD STREET SUITE 103 LEXINGTON, MA 02420			PUROL, DAVID M	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/707,002	Applicant(s) JOHNSON, BARBARANN	
	Examiner David M. Purol	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11132003</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3634

1. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Line 2 recites "the pouch" for which there is no antecedent basis.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,6/1,6/2,13,14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ogden. Ogden discloses a main panel 2 having pockets 3,8 formed into separated compartments 7.

3. Claims 7-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Healy. Healy discloses a tieback belt 42 slidably affixed to a multi-compartmental pouch 32,50.

4. Claims 16 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Scolletta. Scolletta discloses a tieback belt 36,30 having a pouch 40.

Art Unit: 3634

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,4,6/3,6/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogden. As to the recited distance of the pocket in relation to the main panel bottom, inasmuch as there is nothing to indicate that the recited distance is significant or is anything more than one of numerous dimensions one having ordinary skill in the art would have found obvious for the purpose of supporting objects at a convenient location, no patentable weight has been attributed thereto.

6. Claims 5,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogden in view of Morrissey. While Ogden does not disclose the use of an elastic band affixed to the pocket, Morrissey discloses a pocket having affixed thereto an elastic band 80, wherein, to incorporate this teaching into the pocket of Ogden for the purpose of maintaining items placed therein would have been obvious to one of ordinary skill in the art.

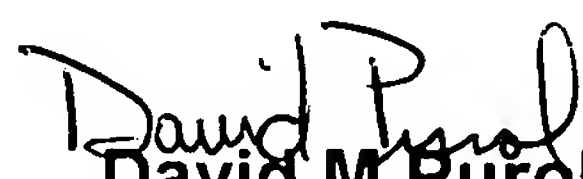
7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogden in view of Healy. The utilization of a tieback belt device 42,32,50 such as that disclosed by Healy in conjunction with the curtain 2,3,8,7 as disclosed by Ogden for the explicit purpose of storing items would have been obvious to one of ordinary skill in the art.

Art Unit: 3634

8. Claims 17,18,19,20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note that claim 19 is to further include the limitations of claim 13.

9. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Schwartz, Swain, Grieco, Bush et al, Jones et al, Rosenbaum, Cariello et al, Semidey, Moore, McKenzie et al, Strzyinski et al.

10. Any inquiry concerning this communication should be directed to David M. Purol at telephone number (571) 272-6833.

  
David M Purol  
Primary Examiner  
Art Unit 3634